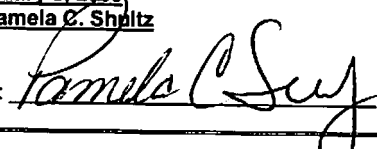


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Rommer Stefan	§	Group Art Unit:	2617
Application No:	10/595,026	§	Examiner:	Chambers, Tangelia T
Filed:	12/21/2005	§	Confirmation No:	1372
Attorney Docket No: P17753-US1		§		
Customer No.: 27045		§		

For: Method and Network for WLAN Session Control

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First class or Express mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO at (571) 273-8300 or transmitted via EFS-Web on the date indicated below.</p> <p>Date: <u>January 5, 2009</u> Name: <u>Pamela C. Sholtz</u> Signature: </p>

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Issues regarding the Pre-Appeal Brief Request are as follows:

- 1.) Prematurity of Final Office Action; and,
- 2.) Rejection of claims 1-8.

ARGUMENTS

1.) Premature Final Office Action

In the Final Office Action, the Examiner rejected all claims in view of the previously-cited references and an additional new reference. The Examiner asserted that "Applicant's amendment necessitated the new ground(s) of rejection." In Applicant's prior response, the following amendments were made to claim 1:

1. A network comprising at least one access point (AP) and one access controlling node, the access points making

use of the ~~IAPP protocol~~ Inter-Access Point Protocol (IAPP) for ~~inter-AP~~ communication, wherein at least one mobile station may associate with the access points, ~~whereby~~ wherein the identity of the mobile station can be approved by the access controlling node, wherein:

the access controlling node monitors whether a given mobile station is ~~having~~ has access to any of a given subset of access points and monitors an account relating to the given mobile station ~~being~~ associated with a given access point of the subset of access points; and,

if detecting that the account relating to the given mobile station is has a balance of zero ~~or if the user of the station has been idle for a given length of time,~~

the at least one access-controlling node issues at least one IAPP message causing the ~~AP~~ access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, and thereby terminating access for the given mobile station.

The amendments to claim 1 *merely* added acronyms for technical terms (e.g., "AP" for "access point"), technical terms for acronyms defined in the specification (e.g., "Inter-Access Point Protocol" for "IAPP"), and clarified existing claim elements. **No substantive amendments were made.** For example, adding "mobile" before each occurrence of "station" only made explicit that which was implicit because anyone skilled in the art would appreciate that a station that associates with an "access point" is inherently mobile. Furthermore, "detecting that the account relating to the given station is zero" is substantively identical to "detecting that the account relating to the given mobile station has a balance of zero." Therefore, the Examiner's assertion that the Applicant's amendments necessitated the new ground of rejection is insupportable and the finality of the office action should be withdrawn.

Furthermore, in the Final Office Action, the Examiner withdrew reliance on Funato, *et al.* (U.S. Patent Publication No. 2003/0145092 A1) as disclosing certain claim amendments, relying in the Final Office Action on the teachings of the newly-cited Jiang, *et al.* (U.S. Patent Publication No. 2008,0101291 A1). If the Examiner recognized a deficiency in the prior assertion of a reference teaching a claim element, it is improper to make the subsequent office action,

relying on a new reference for the same claim element, a final rejection. Therefore, the Applicant respectfully requests that the finality of the present office action be withdrawn.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 1-3, 7 and 8 as being unpatentable over Luo (U.S. Patent Publication No. 2003/0169713 A1) in view of Philsgard, *et al.* (U.S. Patent Publication No. 2004/0248547 A1) and Jiang, *et al.* (U.S. Patent Publication No. 2008/0101291 A1); claim 4 as being unpatentable over Luo in view of Philsgard, Jiang and Funato, *et al.* (U.S. Patent Publication No. 2003/0145092 A1); claim 5 as being unpatentable over Luo in view of Philsgard, Jiang and Sanda (U.S. Patent Publication No. 2006/0013174 A1); and claim 6 as being unpatentable over Luo in view of Philsgard, Jiang and Prasad, *et al.* (U.S. Patent No. 7,197,125). The Applicant traverses the rejections.

Claim 1 recites:

1. A network comprising at least one access point (AP) and one access controlling node, the access points making use of the Inter-Access Point Protocol (IAPP) for communication, wherein at least one mobile station may associate with the access points, wherein the identity of the mobile station can be approved by the access controlling node, wherein:

the access controlling node monitors whether a given mobile station has access to any of a given subset of access points and monitors an account relating to the given mobile station associated with a given access point of the subset of access points; and,

if detecting that the account relating to the given mobile station has a balance of zero,

the at least one access-controlling node issues at least one IAPP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station. (emphasis added)

As the Examiner has acknowledged, Luo does not teach any of the emphasized elements of claim 1. Specifically, the Examiner acknowledges that Luo does not teach “monitor[ing] an account relating to the given mobile station

associated with a given access point of the subset of access points," nor "detecting that the account relating to the given mobile station has a balance of zero," and, if it is zero, "the at least one access-controlling node issues at least one IAPP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station." To support his rejection, the Examiner has looked to the further teachings of Philsgard and Jiang.

The Applicant's invention is characterized, in part, by the use of IAPP protocol, which are conventionally used for handover purposes, for access control, specifically to terminate an association of a mobile station with an access point in response to a determination that an account relating to the given mobile station has a balance of zero, both of which the Examiner asserts are taught by Jiang. The Applicants have reviewed the teachings of Jiang, however, and find no such disclosure. In fact, an electronic search of the complete text of Jiang reveals only two occurrences of "IAPP" in one sentence: "The logic relating to the Optional IAPP procedures illustrated at step (i) in FIG. 24 relates to the IAPP specifications developed by IEEE 802.11 standards organization." (§179) Thus, Jiang does not teach "detecting that [an] account relating to [a] given mobile station has a balance of zero," and, if it is zero, "[an] access-controlling node issues at least one IAPP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station." Therefore, the Examiner has not established a *prima facie* basis to reject claim 1 as obvious over Luo in view of Philsgard and Jiang.

Whereas independent claims 7 and 8 recite limitations analogous to those of claim 1, they are also not obvious over Luo in view of Philsgard and Jiang. Furthermore, whereas claims 2-6 are dependent from claim 1, and include the limitations thereof, they are also not obvious over those references, or further in view of Funato, Sanda or Prasad.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Panel withdraw all rejections and issue a Notice of Allowance for all pending claims.

Respectfully submitted,



Roger S. Burleigh
Registration No. 40,542

Date: January 5, 2009

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com